IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 21ST AUGUST 2007 / 30TH SRAVANA 1929

WP(C).No. 23095 of 2007(Y)

PETITIONER:

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1. M/S KANAN DEVAN HILLS PLANTATIONS
   CO. PVT. LTD., KDHP HOUSE,
   MUNNAR - 685612, REPRESENTED BY ITS
   ASSISTANT MANAGER, MR. C.SREEKUMAR.

2. M/S. TATA TEA LIMITED,
   SPECIAL PROJECTS OFFICE,
   GENERAL HOSPITAL COMPLEX, MUNNAR-685612,
   REPRESENTED BY ITS SENIOR MANAGER,
   MR. K.M.ANGELOS.

BY ADV. SRI.JOSEPH MARKOSE
SRI.JOSEPH KODIANTHARA
SRI.MATHEWS K.UTHUPPACHAN

RESPONDENTS:

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1. THE KERALA STATE ELECTRICITY BOARD,
   VYDHYUTHI BHAVAN, PATTOM PALACE P.O.,
   THIRUVANANTHAPURAM-695004, REPRESENTED BY
   ITS SECRETARY.

2. THE SPECIAL OFFICER(REVENUE),
   KERALA STATE ELECTRICITY BOARD,
   VYDHYUTHI BHAVAN, PATTOM PALACE P.O.,
   THIRUVANANTHAPURAM-695004.

BY ADV. SHRI.P.P.THAJUDEEN, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) No. 23095/2007

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE NOTIFICATION DATED 09/01/2007 ISSUED BY THE KERALA STATE ELECTRICITY REGULATORY COMMISSION.

P1(a) : COPY OF NOTIFICATION DATED 26/03/2007 ISSUED BY THE KERALA STATE ELECTRICITY REGULATORY COMMISSION.

P1 (b): COPY OF THE LETTER DATED 12/05/2006 ISSUED by the 2ND PETITIONER TO THE 1ST RESPONDENT.

P2 : COPY OF THE AGREEMENT DATED 01/01/1990 EXECUTED BETWEEN THE 2ND PETITIONER AND THE 1ST RESPONDENT.

P3 : COPY OF THE LETTER DATED 31/05/2006 ISSUED BY THE 1ST RESPONDENT.

P3(a) : COPY OF THE DRAFT AGREEMENT DATED NIL.

P4 : COPY OF THE LETTER DATED 24/03/2007 SENT BY THE 1ST petitioner TO THE CHIEF ENGINEER (COMMERCE & TARIFF) OF 1ST RESPONDENT.

P5 : COPY OF THE LETTER DATED 21/04/2007 SENT BY 1ST petitioner TO THE CHAIRMAN OF THE 1ST RESPONDENT BOARD.

P6 : COPY OF THE DEMAND LETTER DATED 29/06/2007 ISSUED by the 2ND RESPONDENT TO THE 2ND PETITIONER.

P7 : COPY OF THE LETTER DATED 14/07/2007SENT BY THE 1ST PETITIONER OR TO THE 2ND RESPONDENT.

P7(a) : COPY OF THE AGREEMENT DATED NIL EXECUTED BETWEEN THE 1ST PETITIONER AND THE 1ST RESPONDENT.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 23095 of 2007

Dated, this the 21st day of August, 2007

J U D G M E N T

Heard learned counsel for the petitioner and the learned Standing Counsel for KSEB. In principle, KSEB has undertaken to transfer the licence from 2nd petitioner to 1st petitioner and execute fresh agreement with 1st petitioner. Since specific terms have to be agreed between parties, I dispose of the matter directing KSEB to call for negotiation with the 1st petitioner or with the representative of 1st petitioner, settle terms and sign the agreement without any delay. In between, KSEB will permit 1st petitioner to continue the licence arrangement subject to payment and time offered also will be continued.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg